IN THE HIGH COURT OF HIMACHAL PRADESH SHIMLA

CWP No. 1073 of 2004
Reserved on:
Date of Decision: 23.4.2007

Union of India and another. ..Appellants.

-versus-

V.I. Dosajh & another. .. Respondents.

Coram:

The Hon'ble Mr. Rajiv Sharma, J.

Whether approved for reporting?* No

For the Appellants : Ms. Sandeep Sharma, Central Govt. Counsel.

For the Respondent No.1 : Mr. Satyan Vaidya, Advocate.

Rajiv Sharma, J. (oral):

The present petition has been directed against the judgment dated 14th October, 2004 passed by learned District Judge, Shimla. Mr. Sandeep Sharma appearing on behalf of the petitioner has submitted that the judgment dated 14th October, 2004 is not sustainable in the eyes of law. Mr. Satyan Vadiya appearing on behalf of respondents has submitted that the mandatory procedure as per Rules 71, 72 and 73 of the Central Civil Services (Pension) Rules, 1972 has not been followed before the issuance of notice calling upon the petitioner to deposit a sum of Rs. 16,552/-.

I have perused the record and heard the parties.

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* *Whether the reporters of the Local Newspapers may be allowed to see the Judgment? Yes.*

This court is of the firm opinion that the findings recorded by the learned District Judge as an Appellate Authority are in conformity with law. There is neither any infirmity nor any jurisdictional error in the judgment. The appellate authority has come to the just conclusion that it was necessary to follow Rules 71, 72 and 73 of the Central Civil Services (Pension) Rules, 1972 before initiating the process to recover the arrears of licence fee, water charges and furniture charges etc. The recovery which was to be effected from the respondent No.1 is a meager amount i.e. 16,552 /-, and the respondent No.1 has already retired from service on 30th November, 1996.

Accordingly, the writ petition is dismissed with no order as to costs.

(Rajiv Sharma), Judge.

April 23, 2007
Awasthi